IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.178 of 1993

Between:

Harji Patel, S/o Dayabai Patel, resident of 3-2-126/5, Mansoorabad village, L.B.Nagar Municipality, Rangareddy District.

..... PETITIONER

AND

1 The Commissioner, L.B. Nagar Municipality, L.B. Nagar, Rangareddy

District.

2 The Hyderabad Urban Development Authority, 1-8-323, Paigah

Palace Police Lines, Secunderabad-500 003, rep. by its Vice-

Chairman.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ more in the nature of Writ of Certiorari and call for the records pertaining to the impugned letter No.G/5336/92, dated 18.12.1992 issued by the Respondent No.1 and declare the said letter as illegal, arbitrary and quash the same.

Counsel for the Petitioner: MR.K.VENKATA REDDY

Counsel for the Respondent NO.1: MR. R. THIMMA REDDY, SC FOR MUNICIPALITY

Counsel for the Respondent No.2: Mr. T.NIRANJAN REDDY

The Court made the following :

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ORDER:

In this writ petition, the petitioner challenges the letter No.G/5336/92, dated 18.12.1992 issued by Respondent No.1 directing the petitioner not to run the installation i.e., Saw Mill, on the ground that it was being installed without obtaining necessary approval from the Hyderabad Urban Development Authority (HUDA)/Municipality under the provisions of the A.P. Urban Areas (Development) Act, 1975 and under Sections 263 and 264 of the A.P. Municipalities Act, 1965, till a clarification is received from the HUDA.

When the matter is taken up for hearing, learned counsel for the petitioner submits that the subject matter of this writ petition is squarely covered by a judgment of this Court dated 11-3-2004 in Writ Petition No.689 1993, wherein this Court considered the similar issue and disposed of the same with the following observations;

> "This Court while admitting the writ petition granted an order of suspension of the impugned letter dated 18.12.1992. Yet, there is no response from any of the respondents.
>
> In such view of the matter, it would not be appropriate to give effect to the impugned proceedings dated 18.12.1992 at this point of time after a lapse of 12 years. The petitioner shall have the benefit of the interim order. This order, however, shall not preclude the respondents from putting the petitioner on further notice if it intends to proceed further in the matter against the petitioner in accordance with law."

In the circumstances, this writ petition is also disposed of in terms of the judgment in Writ Petition No.689 of 1993, dated 11.03.2004. No costs.

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(N.V.RAMANA, J)

Date: 01.10.2004

Nsr/Asp

To

1 The Commissioner, L.B. Nagar Municipality, L.B. Nagar, Rangareddy District.

2 The Vice-Chairman, Hyderabad Urban Development Authority,
1-8-323, Paigah Palace Police Lines, Secunderabad-500 003.

3 Two CD copies.